IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

RP.No. 471 of 2007()

AGAINST THE JUDGMENT IN WA.2121/2006 Dated 13/03/2007
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PETITIONERS/APPELLANTS
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1. K.J.SHAJU, KALAPURAKKAL HOUSE,
   ANAPANTHI, ANGADIKADAVU P.O., KANNUR DISTRICT.

2. MEENAKUMARI.J., `OMANA BHAVAN',
   PUTHUKAD P.O., CHAVARA, KOLLAM DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS/RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO GOVERNMENT, GENERAL EDUCATION
   DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
   TRIVANDRUM.

3. DEPUTY DIRECTOR OF EDUCATION,
   KOLLAM.

4. DISTRICT OFFICER,
   KERALA PUBLIC SERVICE COMMISSION,
   DISTRICT OFFICE, KOLLAM.

R4 BY STANDING COUNSEL SRI P.C. SASIDHARAN

BY GOVERNMENT PLEADER SRI P.RAVINDRA BABU

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC JJ.

R.P.NO.471 OF 2007 IN
W.A.NO.2121 OF 2006

Dated this the 4th day of July, 2007

O R D E R

Raman,J.

This is a petition seeking review of the judgment in W.A.No.2121/2006. The specific contention raised in the review petition is that while the appeal was dismissed by this Court agreeing with the finding of the learned Single Judge, it was also held that the appellants/petitioners were not able to substantiate their contention that there were vacancies to be reported to the P.S.C. According to them, subsequent to the dismissal of the appeal, they moved the authorities concerned under the Right to Information Act and information obtained as evidenced by Annexure-B series produced would show that actually there were vacancies available for reporting to the P.S.C. and based on those documents it is stated that the judgment is required to be reviewed.

2. Ext.P1 produced along with the W.P.(C).No.28350/2005 is a judgment of this Court in W.P.(C).No.18179/2005 wherein a direction was issued to the authorities to report all existing vacancies to the P.S.C. There is no available materials to show that pursuant to the said

judgment some more vacancies were reported. On the other hand, in the judgment under appeal the learned Single Judge held that the present writ petition was filed for a direction to the requisitioning authority to report all the existing vacancies in the post of High School Assistant (Social Studies) in Kollam District. The learned Single Judge dismissed that writ petition holding that after the expiry of the list, fresh vacancy cannot be reported. Further after placing reliance on the counter affidavit, the learned Single Judge also found that the petitioners could not substantiate their contention that there remains any vacancy yet to be reported before expiry of the list. It was against the said judgment that the writ appeal was filed. The correctness or otherwise of the judgment of the learned Single Judge alone arose for consideration in the writ appeal. In the absence of any materials placed on record in the writ appeal or in the writ petition, the Division Bench agreed with the finding of the learned Single Judge. In such circumstances, at this belated stage, after the expiry of the rank-list, we cannot consider the contention of the petitioners that any factual error has crept in while dismissing the Appeal.

In the circumstances, the review petition is dismissed.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.